

REMARKS

Claims 37-90 will be pending and under consideration upon entry of the above-made amendments. Claim 1 has been canceled without prejudice. Accordingly, claim 71 has been amended so that it no longer depends from claim 1. No new matter has been added.

Double Patenting Rejections

Claim 1 stands rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of U.S. Patent No. 6,696,079 ("the '079 patent").

Applicants have canceled claim 1 without prejudice. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 101.

Claims 1 and 37-90 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7, 15-34 and 40-43 of the '079 patent. The Examiner asserts that while the claims are not identical, they are not patentably distinct from each other.


While not conceding the correctness of the rejection, Applicants submit concurrently herewith a terminal disclaimer under 37 CFR 1.321(c), thus obviating the rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Applicants respectfully request that the present amendment and remarks be entered and made of record in the instant application. It is submitted that all the outstanding rejections have been obviated or overcome. An allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

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Respectfully submitted,

 32,605
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Enclosures